

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

MARK MOYAR,

Appellant,

v.

DEPARTMENT OF DEFENSE,
et al.,

Appellees.

Case No. 23-5085

* * * * *

**APPELLANT’S UNOPPOSED *NUNC PRO TUNC* MOTION FOR BRIEF
ENLARGEMENT OF TIME WITHIN WHICH TO FILE OPENING BRIEF**

Appellant hereby requests a final retroactive two-hour extension of the deadline for filing his Reply Brief, until 2:00 AM on 31 January 2024. This Brief was due at midnight on 30 January and was filed at 1:53 AM on 31 January.

Appellees do not oppose this Motion.

Appellant has good cause to request this extension. As the undersigned previously advised the Court, there was a significant time-sensitive development in another matter on Friday which required his immediate action. While he was able to resolve much of it on Friday, he was required to continue working on it over the weekend and during his scheduled leave on Monday, which had a minor but significant effect on his ability to complete the Brief on time. Despite these disruptions, he was able to file the Brief approximately two hours late. He

accordingly requests this final extension and asks the Court to accept the lodged Reply Brief out of time. He has waited to file this Motion until he can convey Appellees' position on this Motion.

This is the second and final extension requested for this Brief.

Date: January 31, 2024

Respectfully submitted,

/s/ Kelly B. McClanahan
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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing filing contains 313 words, and was prepared in 14-point Times New Roman font using Microsoft Word 2016.

/s/ Kelly B. McClanahan
Kelly B. McClanahan, Esq.